



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/389,858 09/02/99 BARRITZ

R P/1318-38

002352 TM02/0713
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

EXAMINER

ELISCA, P

ART UNIT

PAPER NUMBER

2161
DATE MAILED:

07/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/389,858

Applicant(s)

Barritz, Robert

Examiner

Pierre E. Elisca

Group Art Unit

2161



☒ Responsive to communication(s) filed on Sep 2, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-60 is/are pending in the application.

Of the above, claim(s) None is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-60 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161



Examiner Pierre Eddy Elisca
United States Department of Commerce
Patent and Trademark Office
Washington, D. C. 20231

DETAILED ACTION

1. This office action is in response to Application serial number 09/389,858, filed on 09/02/1999.
2. Claims 1-60 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-60 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Beck et al. (U.S. Pat. No. 6,138,139) in view of Li (U.S. Pat. No. 6,144,954).

Art Unit: 2161

As per claims 1, 3, 4, 9-12, 14-20, 22-30 and 32-60, **Beck** substantially discloses a method/apparatus for supporting diverse interaction paths within a multimedia communication center (CINOS) fig 1, wherein a plurality of communication centers such as center 17 cooperatively service a common pool of customers . Enterprises involved in commerce such as large financial institutions hosting many geographically separate communication centers (which is readable as Applicant's claimed invention wherein said a method for assessing the financial of ownership of a configuration of at least one computer data center defined by a plurality of elements, through the use of systematic, computer assisted procedures, the method comprising the steps of:

modeling elements of a data center configuration on a computer by identifying to the computer the elements of a given configuration (see., abstract, col 7, lines 1-2, col 8, lines 1-11);

providing in a knowledge base financial information (see., abstract, col 10, lines 54-67, col 11, lines 1-16);

correlation information in the knowledge base (see.,col 12, lines 28-35);

outputting at least a portion of the configuration and at least a portion of the associated

information to a user (see., col 12, lines 36-46). **Beck** does teach a knowledge base to achieve

desired interaction within a financial institution, but he fails to specifically disclose a knowledge

base for configuring financial cost within an institution. **Li** discloses an expert system that has a

knowledge base, an inference engine, a knowledge acquisition module, and explanatory interface

for rapidly generating, reliable, low cost knowledge bases. These knowledge bases, including the

self-optimized, numerical values (see., col 13, lines 61-67, col 14, lines 1-11, lines 32-54).

Art Unit: 2161

Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the financial institution of **Beck** by including an expert system or artificial intelligence as taught by **Li** because such modification would provide the financial institution of **Beck** with an expert system or Knowledge base that can generate automatically its own knowledge bases, and which immediately and continuously replaces these new knowledge bases with still newer and more accurate knowledge bases for continuously optimal results (see **Li**, col 4, lines 1-6). This would have been obvious because **Beck and Li** both are directed toward knowledge base, in order to calculate such as low cost and numerical values, and one of ordinary skill in the art would have recognized these similarities and concluded that they are from the same field of endeavor. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate an expert system or knowledge base as taught by **Li** into the financial institution of **Beck** because it is the basic definition of an expert system, it is comprised of an knowledge base for calculating data or numerical data, an inference engine to provide advises.

As per claims 2,5-8, 13, 21 and 31 Li discloses the claimed method, including performing the modeling step and the correlating step by means of a substantially automatic software controlled process and the correlating step including calculating the ownership costs over selected time periods (see., col 5, lines 18-45, fig 1).

Art Unit: 2161

Conclusion

5. The prior art made of record and relied upon is considered to applicant's disclosure.

Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

OR:

(703) 305-3718 (for informal or draft communications, please label

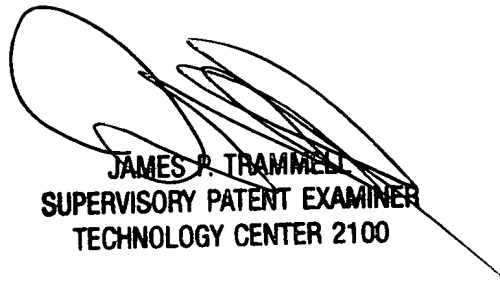
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth floor (receptionist).

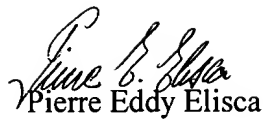
Application/Control Number: 09/389,858

Page 6

Art Unit: 2161



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



Pierre Eddy Elisca

Patent Examiner

July 03, 2001